

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN THE MATTER OF:

JERRY A. EVERLY  
CAROL J. EVERLY

Debtors

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CASE NO. 05-14473

**DECISION AND ORDER**

At Fort Wayne, Indiana, on February 28, 2006.

The notice of motion and opportunity to object which debtors (hereinafter “Movants”) served in connection with Debtor Wife’s Motion to Avoid Judicial Lien on Residential Real Estate does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The notice does not “contain a brief summary of the ground for the motion or have a copy of the motion attached to it.” N.D. Ind. L.B.R. B-2002-2(c)(4).

Since creditors and parties in interest have not been given appropriate notice of the motion and the opportunity to object thereto, the court cannot grant it at this time. Movants shall prepare and serve an Amended Notice of Motion and Opportunity to Object which complies with N.D. Ind. L.B.R. B-2002-2 and file proof thereto within fourteen (14) days of this date. See, N.D. Ind. L.B.R. B-9013-4(a). The failure to do so will result in the motion being denied without prejudice and without further notice.

SO ORDERED.

/s/ Robert E. Grant  
Judge, United States Bankruptcy Court